

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

TEDDY RICHARDS,  
Plaintiff,

v.

TESLA INC.,  
Defendant.

Case No. 25-cv-06013-WHO

**ORDER ADOPTING REPORT &  
RECOMMENDATION**

Re: Dkt. No. 9

On August 18, 2025, Magistrate Judge Joseph C. Spero issued a Report and Recommendation that I deny plaintiff Terry Richards’s Application to Proceed in Forma Pauperis. Dkt. No. 9. A response was filed, albeit late, which provided argument but not the information that Judge Spero identified is required before plaintiff’s application to proceed in forma pauperis could be granted.

I have reviewed the entirety of the record and docket. In brief, Richards—who is proceeding *pro se*—asserts claims against defendant Tesla, Inc. for retaliation under Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000(e) *et seq.*, and the Thirteenth Amendment of the United States Constitution. *See* Complaint (“Comp.”), Dkt. No. 1. at ¶¶ 31–56. On July 16, 2025, Richards filed an Application to Proceed in Forma Pauperis. Dkt. No. 2. Judge Spero issued an order requesting additional information on July 28, 2025, explaining that he could not determine Richards’s financial status because he responded “N/A” (Not Applicable) to most questions on his application form. Dkt. No. 4. Certain “N/A” answers also appeared to contradict facts alleged by Richards in his complaint, including that that he was an employee of Tesla and received income from self-employment. *See id.*; Comp. at ¶ 8.

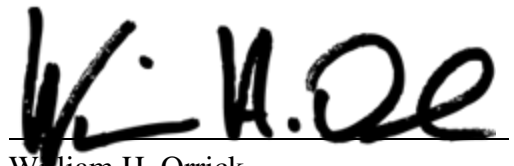
On August 13, 2025, Richards filed a petition in support of his Application. Dkt. No. 7.

1 Instead of supplying the requested information, Richards argued that he was entitled to proceed  
2 without payment of the filing fee under the Uniformed Services Employment and Reemployment  
3 Rights Act (“USERRA”), 38 U.S.C. § 4323(h)(1). *See id.* Judge Spero subsequently issued a  
4 Report and Recommendation that his Application be DENIED. *See* Dkt. No. 9. Judge Spero  
5 thoroughly discussed how 38 U.S.C. § 4323(h)(1) only applies to those claiming rights under  
6 USERRA, and that Richards did not plausibly allege a violation of USERRA in his complaint.  
7 *See id.*

8 I have reviewed Judge Spero’s Report and Recommendation and agree that Richards  
9 cannot avoid paying the filing fee in this case under USERRA. I also agree that Richards has still  
10 not provided sufficient information to support his Application to Proceed in Forma Pauperis.  
11 Accordingly, I ADOPT the Report and Recommendation. Richards shall pay the filing fee in this  
12 case within thirty (30) days of this order.

13  
14 **IT IS SO ORDERED.**

15 Dated: September 9, 2025

16  
17   
18 William H. Orrick  
United States District Judge